

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RANDIN DIVELBISS,

Plaintiff,

v.

ADAM KNEUBUHLER and OFFICER MUIR,

Defendants.

OPINION and ORDER

23-cv-258-jdp

RANDIN DIVELBISS,

Plaintiff,

v.

OFFICER JOEL DESPAIN, OFFICER LAPORTA,
and MADISON POLICE MEDIA,

Defendants.

OPINION and ORDER

24-cv-650-jdp

RANDIN DIVELBISS, AIMEE BISHOPPE,
VADYM TROYANSKOV, OLESKI RAINS,
OLGA VIRTUIN, AND HILLARY HIMMLER,

Plaintiff,

v.

MADISON PUBLIC LIBRARY STAFF,
GREG MIKELS, TANIA ELIAS,
ATHIAS N. LEMOS CASTILLO, LISA HEMPSTEAD,
G. CARTER, SALUD GARCIA, JOLYNNE ROORDA,
AND PLUMER LOVELACE,

Defendants.

OPINION and ORDER

24-cv-651-jdp

Plaintiff Randin Divelbiss seeks to reopen three closed cases. I dismissed Case Nos. 23-cv-258-jdp and 24-cv-651-jdp for plaintiff's repeated failures to properly prosecute his cases or follow this court's rules, and for his misconduct in using abusive language toward an

opposing party. *Divelbiss v. Kneubuhler*, No. 23-cv-258-jdp, 2025 WL 89168 (W.D. Wis. Jan. 14, 2025). I dismissed Case No. 24-cv-650-jdp because Divelbiss sought to bring federal-law claims barred by the statute of limitations and because his remaining state-law claims could not be brought under the court's diversity jurisdiction. *Divelbiss v. DeSpain*, No. 24-cv-650-jdp, 2025 WL 315387 (W.D. Wis. Jan. 28, 2025). Also, in response to reports from the clerk of court that Divelbiss used abusive, racist, and sexist language to harass court staff by phone and used the court's electronic-filing help desk address for improper purposes, I directed Divelbiss to communicate with the court and its clerk's office in writing only. *Id.*

Now Divelbiss has filed a submission in all three cases stating that I ruled "unfairly" in these cases. Dkt. 7 in the '650 case. He has filed a separate document in the '650 case only, calling my ruling "retarded" and stating that I violated his First Amendment rights by using what he calls his "creative expression." Dkt. 8 in the '650 case. I take him to be asking for all three cases to be reopened.

I will deny Divelbiss's motions. He may generally have the First Amendment right to use abusive language out in the world at large, but that does not protect him from consequences in this court, which demands that litigants remain respectful of each other and the court. So I will not reconsider my dismissal of the '258 and '651 cases as a sanction. Nor will I reconsider my directive that he communicate with the court only in writing. As for the '650 case, I dismissed it on statute-of-limitations and jurisdictional grounds that his new filings do not successfully address. So that case will remain closed as well.

In light of Divelbiss's characterization of my previous opinion as "retarded," I will give him a final warning. Should he further use abusive language toward the court, its staff, or any

opposing litigant in these cases or any other case, I will sanction him by barring him from filing any papers in this court for two years.

ORDER

IT IS ORDERED that plaintiff's motions to reopen these cases, Dkt. 7 and Dkt. 8 in Case No. 24-cv-650-jdp, are DENIED.

Entered March 27, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge